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15 Attorneys for Plaintiff
LEVEL 3 COMMUNICATIONS, LLC

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 In re: Third Party Subpoena Issued to GCA Savvian
Advisors, LCC

Misc. Action No. 08-80161 SI

20 Related to:
21 LEVEL 3 COMMUNICATIONS, LLC,

Related to 2:07cv589 (RGD-FBS)
In the United States District Court for
the Eastern District of Virginia

22 Plaintiff,

**LEVEL 3 COMMUNICATIONS,
AMENDED NOTICE OF
WITHDRAWAL OF ITS MOTION
TO COMPEL COMPLIANCE
WITH SUBPOENA ON THIRD-
PARTY GCA SAVVIAN
ADVISORS, LLC PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 45**

23 vs.

24 LIMELIGHT NETWORKS, INC.,

25 Defendant,

1 Pursuant to Local Rule 7-7, Level 3 Communications, LLC ("Level 3") hereby withdraws its
2 Motion to Compel Compliance with Subpoena on Third-Party GCA Savvian Advisors, LLC
3 Pursuant to Federal Rule of Civil Procedure 45 ("Motion"). Level 3 withdraws its Motion in order to
4 conserve judicial and party resources as GCA Savvian Advisors, LLC ("Savvian") and Level 3 have
5 agreed to a date certain to conduct the depositions of Savvian's witnesses that are the subject matter
6 of the Motion prior to the discovery cut-off date in the underlying action. A true and correct copy of
7 Savvian and Level 3's correspondence agreeing to the depositions is attached hereto as Exhibit A.
8 Accordingly, the Motion is moot and Level 3 respectfully withdraws the Motion.

9

10

11 Dated: September 2, 2008

WINSTON & STRAWN LLP

12

13

14 By: /s/ Leda M. Mouallem
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Attorneys for Plaintiff LEVEL 3
COMMUNICATIONS, LLC

EXHIBIT A

Mouallem, Leda M.

From: Weiss, Charles [CWeiss@kenyon.com]
Sent: Saturday, August 30, 2008 8:00 PM
To: McComb, Ethan; Guy Ruttenberg; amackinnon@kirkland.com; cbrahma@kirkland.com; Nick Saros; senoona@kaufcan.com
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; mkatchmark@wilsav.com; Bloch, David S.; Mouallem, Leda M.
Subject: RE: Level 3 v. Limelight

Gentlemen,

The case I had going to trial settled, so I am available. Thus, we will make Messrs Greenbaum and Orozco available for deposition in San Francisco on September 8 starting at 10:00 a.m. with Mr. Greenbaum.

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From: McComb, Ethan [mailto:EMcComb@winston.com]
Sent: Friday, August 29, 2008 6:20 PM
To: Weiss, Charles; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.; Mouallem, Leda M.
Subject: RE: Level 3 v. Limelight

Charles and Guy:

Is there any possible way to resolve the scheduling issues relating to the deps of Mark Greenbaum and James Orozco (and/or Jens Teagan) so that we don't need to bother Judge Illston with the Motion to Compel next Wednesday -- *i.e.*, are there any dates upon which we could all agree?

Please let us know your thoughts.

Thanks,

Ethan

From: Mouallem, Leda M.

Sent: Friday, August 29, 2008 12:52 PM
To: McComb, Ethan; 'cweiss@kenyon.com'; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.
Subject: RE: Level 3 v. Limelight

Counsel,

Attached please find a courtesy copy of the Northern District of California ECF notification stating the hearing date/time below.

Regards,

Leda Mouallem

From: McComb, Ethan
Sent: Thursday, August 28, 2008 5:44 PM
To: 'cweiss@kenyon.com'; 'Guy Ruttenberg'; 'amackinnon@kirkland.com'; 'cbrahma@kirkland.com'; 'Nick Saros'; 'senoona@kaufcan.com'
Cc: McCabe, Peter C.; Molster, Charles B.; Balesteri, Peggy M.; 'mkatchmark@wilsav.com'; Bloch, David S.; Mouallem, Leda M.
Subject: Level 3 v. Limelight

Please see the attached. Hearing on this matter is set for 9/3/2008 at 11:30 a.m. Pacific. The Judge hearing this matter is unavailable from 9/4/2008 to 9/18/2008 and from 9/23/2008 to 9/26/2008.

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